

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

MATT ANGEL;

Plaintiff,

VS.

UNITED STATES OF AMERICA;

Defendant,

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CAUSE NO. 4:22-cv-955-P

PLAINTIFF'S AMENDED COMPLAINT

COMES NOW PLAINTIFF, MATT ANGEL, and complains of Defendant
United States of America; for cause of action shows the following:

PARTIES

1. Plaintiff Matt Angel is an individual resident of Haltom City, Tarrant County, Texas.
2. Defendant United States of America, are the proper party's pursuant to 28 USC 2674. Service and summons upon Defendant United States of America, is requested to be issued and served by serving George M. Padis, Assistant United States Attorney, United States Attorney's Office, Northern District of Texas, 1100

Commerce Street, 3rd Floor, Dallas, TX 75242; or to an assistant United States attorney or clerical employee whom the United States Attorney designates in a writing filed with the Court Clerk.

NOTICE

3. On or about September 23, 2021 Plaintiff provided notice to Defendant United States of America of the claims herein sued upon by submitting a Standard Form 95 by certified mail to the United States Postal Service, Dallas Tort Claims, PO Box 9302, Coppell, Texas 75099-9302. Said notice was received by the United States on or about September 28, 2021 receipt of same has been acknowledged. Pursuant to the Federal Tort Claims Act, Plaintiff files this suit after the expiration of six months of receipt of Plaintiff's notice.

JURISDICTION AND VENUE

4. This Court has jurisdiction in this case pursuant to the Federal Tort Claims Act, Title 28, U.S.C. 2674 because the United States of America and is a Defendant herein.

5. Plaintiff's damages are in excess of the minimum jurisdictional limits of the Court.

6. Venue of this case is proper in the Fort Worth Division of the Northern District of Texas because the incident made the basis of this suit occurred

in Tarrant County, Texas, located within the boundaries of the Fort Worth Division of the Northern District of Texas.

FACTUAL BACKGROUND

7. This lawsuit arises out of motor vehicle collision that occurred on or about January 24, 2021.

8. At the time and on the occasion in question, Plaintiff Matt Angel was traveling east bound towards interstate thirty-five (I-35) on Meacham Boulevard.

9. Driver Cory Pennington II was traveling the wrong way, exiting the United States Postal Service private drive, located at 4600 Mark IV Pkwy, Fort Worth, TX 76161. Cory Pennington II disregarded a stop sign and merged onto Meacham Blvd and collided into the driver's side of Plaintiff's vehicle.

10. Driver Cory Pennington II was driving a vehicle owned by the United States of America and was operating the vehicle at the direction of the United States of America while in the course and scope of his employment with the United States of America.

11. As a result of the collision, Plaintiff Matt Angel was injured and continues to suffer injuries and damages from this collision.

CAUSES OF ACTION

12. Plaintiff incorporates each and every allegation set forth in paragraph 7 – 11 as if set forth fully herein.

13. At the time of the incident in question, Defendant's driver, Cory Pennington II was operating his vehicle negligently. Specifically, Cory Pennington II had a duty to exercise ordinary care and operate his vehicle reasonably and prudently. Cory Pennington II breached that duty in one or more of the following respects:

- a. Failed to keep such proper lookout and attention to the roadway as a person or ordinary prudence would have kept under the same or similar circumstances;
- b. Failed to stop at a stop sign;
- c. Failed to yield the right-of-way in violation of Texas Transportation Code Section 545.151;
- d. Cory Pennington II entered the intersection when it was unsafe to do so;
- e. Failed to keep an assured safe distance from Plaintiff's vehicle;
- f. Failed to timely apply the brakes of his vehicle in order to avoid the collision in question; and

g. Failed to safely operate his vehicle.

14. At the time and on the occasion in question, Defendant United States of America was the owner of the vehicle driven by Cory Pennington, II in that they knew or should have known that Cory Pennington, II, was a negligent, incompetent and/or reckless driver.

15. Additionally, Plaintiff will show that at the time and on the occasion complained of, Cory Pennington, II was in the course and scope of his employment with the United States of America, thereby making one or both liable under the doctrine of Respondeat Superior.

16. Each of the above and foregoing acts and omissions, singularly or in combination, constituted the negligence that was the proximate cause of the motor vehicle collision and consequently the injuries and damages of Plaintiff

DAMAGES

17. As a proximate result of Defendant's negligence, Plaintiff suffered extensive injuries and damages. As a result of Plaintiff's injuries, Plaintiff suffered the following damages:

- a. Medical expenses in the past and future;
- b. Property damage and loss of use of Plaintiff's vehicle;
- c. Lost wages in the past and loss of earning capacity in the future;

- d. Disfigurement;
- e. Physical pain and suffering in the past and future;
- f. Mental anguish in the past and future;
- g. Physical impairment in the past and future;
- h. Plaintiff's physical disfigurement in the past and future;
- i. Cost of suit;
- j. Post-judgment interest; and
- k. All other relief in law and in equity to which Plaintiff may be entitled.

REQUEST FOR JURY TRIAL

16. Plaintiff hereby demands a trial by jury and includes the appropriate jury fee.

PRAYER

17. WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendant be cited to appear and answer herein, and that upon final hearing thereof, Plaintiff recover judgment against Defendant for:

- a. Plaintiff's past and future medical expenses, which are reasonable and customary for the medical care received by Plaintiff;

- b. Plaintiff's property damage and loss of use of Plaintiff's vehicle;
- c. Lost wages in the past and loss of earning capacity in the future;
- d. Disfigurement;
- e. Plaintiff's physical pain and suffering in the past and future;
- f. Plaintiff's mental anguish in the past and future;
- g. Plaintiff's physical impairment in the past and future;
- h. Plaintiff's physical disfigurement in the past and future;
- i. All costs of court;
- j. Interest on the judgment at the legal rate from the date of judgment; and
- k. Such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,
HERBERT LAW GROUP PLLC

A handwritten signature in black ink, appearing to be 'B. Lavery', with a stylized flourish at the end.

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